



CITY OF ST. LOUIS
**PLANNING & URBAN
DESIGN AGENCY**
FRANCIS G. SLAY, Mayor

File No. PDA-011-16-REZ

To: City of St. Louis Planning Commission

From: Don Roe, Director

Subject: Submittal of Resolution for Recommendation of Zoning District Map Amendment (Rezoning by Petition) – City Block 4669 (6839 Fyler Ave.)

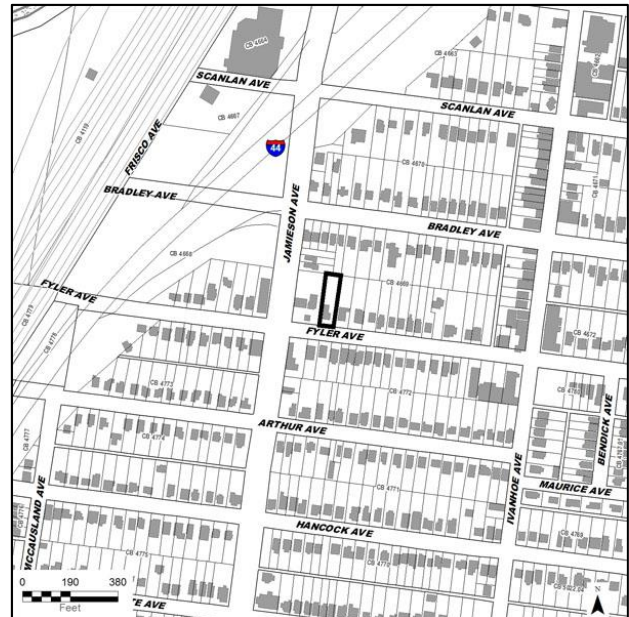
Date: January 29, 2016

Summary

Submittal: Proposed amendment of Zoning District Map by petition for Planning Commission review and recommendation.

Site: The Rezoning Area consists of one (1) parcel at 6839 Fyler Ave. in the Lindenwood Park Neighborhood. The petitioner plans to combine this parcel with their adjacent parcel at 3282 Jamieson Ave. (northeast corner of Jamieson & Fyler) which houses an existing Phillips 66 Gas Station & Circle K Convenience Store.

Proposal: The amendment proposes rezoning the parcel from the 'A' Single-Family Dwelling District to the 'F' Neighborhood Commercial District before consolidating it with the abutting 'F' District parcel without creating a dual zoned parcel.



Land Use: Rezoning the Area to 'F' allows for the proposed construction of a larger Convenience Store on the Rezoning Area portion of the consolidated site in compliance with the Zoning Code.

Petitioner: Mr. Patrick Bennett of Core States Group represents the owner under contract Circle K Stores, Inc. Midwest Division as the petitioner seeking to rezone from 'A' Zoning District to 'F' Zoning District so the consolidated site is in conformity with the existing / future land use (gas station & convenience store).

Support Letters: Alderman Joseph Vacarro (23st Ward) is submitting a letter of support.

Recommended Action

That the Planning Commission finds the petition for proposed Zoning District Map amendment for one (1) parcel at 6839 Fyler Ave. in City Block 4669 to be in conformity with the Strategic Land Use Plan's Neighborhood Preservation Area, which encourages existing and infill corner commercial uses that is sensitive to the character of existing residences, and **recommends approval** of the submitted petition to the City's Board of Aldermen.

1.0 Background

- The Rezoning Area consists of one (1) parcel at 6839 Fyler Ave. located immediately east of the Phillips 66 Gas Station and Circle K Convenience Store on the northeast corner of Fyler Ave. and Jamieson Ave. approximately one block south of the Interstate-44 entrances/exits at Jamieson Ave. in the Lindenwood Park Neighborhood. The parcel is currently zoned 'A' Single-Family Dwelling District. (Exhibit "A")
- The rezoning petition to 'F' Neighborhood Commercial District is attached as Exhibit "B". The petitioner, Mr. Patrick Bennett of Core States Group, representing Circle K Stores, Inc. Midwest Division (Mr. Mike Powers) who is the owner of the present store and the owner under contract of the rezoning parcel; would like to change the current Rezoning Area zoning from 'A' Single-Family Dwelling District to 'F' Neighborhood Commercial District which allows for the proposed construction of a larger convenience store and gas station.
- The petitioner plans to demolish the existing house and consolidate the parcel at 6839 Fyler Ave. with the adjacent parcel at 3282 Jamieson Ave., which is already zoned 'F' Zoning District. The petition therefore saves the development site from becoming dual zoned "A" & "F". The existing "A" zoning on the parcel would not allow construction of a convenience store and gas station.
- The petition includes the proposed site plan for the new convenience store and gas station. The footprint of the proposed 4,460 square foot convenience store (87.8 feet wide and 50.8 feet deep) is sited in the eastern Rezoning Area portion of the consolidated development site. Per the site plan, the proposed Fyler Ave. driveway is relocated further east of the Jamieson Ave. corner.
- Zoning Administrator, Mary Hart Burton, recommends in the attached letter (Exhibit "C") "that the subject parcel in City Block 4669 be rezoned from the current classification of "A" Single-Family Dwelling District to the "F" Neighborhood Commercial District." "The request is based on the Petitioner's future plans to consolidate this parcel with the parcel at 3282 Jamieson Ave. in the same city block, which is also owned by Circle K Stores Inc. Midwest Division. The Petitioner further proposes to demolish the existing convenience store and motor fuel pumping station at this location in order to construct a new convenience store and motor fuel pumping station. The adjacent parcel at 3282 Jamieson is zoned "F" Neighborhood Commercial District. Consolidation of both parcels as currently zoned would result in dual zoning that would require the proposed project to meet the requirements of the more restrictive zoning, "A" Single-Family Dwelling District, which would not allow for the construction of the proposed project. A rezoning of the aforementioned parcel to the "F" Neighborhood Commercial District, would allow for the proposed project to be in compliance with the Zoning Code." "Given that the subject property will provide for improved commercial opportunities in the immediate area; that by rezoning subject property would bring it into conformity with the Zoning Code; and that good zoning practices work toward the elimination of improper zoning designations, there is a basis established that a less restrictive zoning classification would be appropriate and would enhance the general welfare of the City."
- Alderman Joseph Vacarro (23rd Ward) letter of support for the rezoning petition is attached as Exhibit "D".
- Photographs of the Rezoning Area and vicinity are shown in Exhibit "E".

2.0 Comments

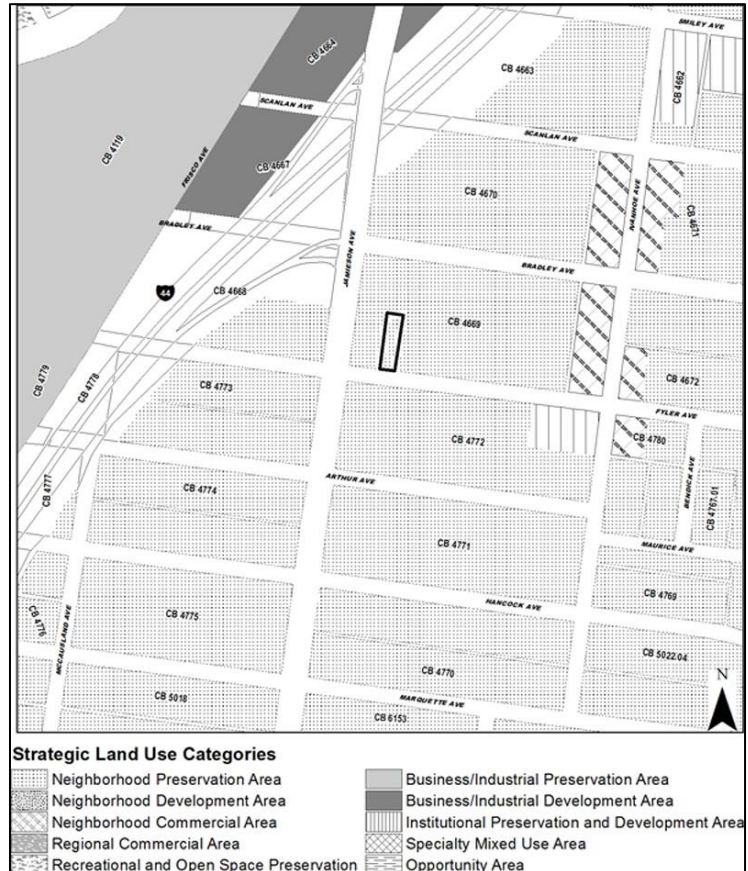
Staff has reviewed the proposed “Petition for Zoning Amendment” for rezoning the parcel at 6839 Fyler Avenue. The parcel in the Rezoning Area is designated in the Strategic Land Use Plan (SLUP) as a **Neighborhood Preservation Area (NPA)**.

NPA- “Areas where the existing housing and corner commercial building stock will be preserved and augmented with new infill residential and corner commercial development physically integrated with, and primarily serving the immediate neighborhood.

These areas generally consist of stable residential areas of the City, including but not limited to historic districts, where the character of the neighborhood is currently well preserved with relatively few vacant lots and abandoned buildings.

The Plan contemplates continued preservation and improvement, with quality rehabilitation and infill new construction that is sensitive to the character of existing residences.

Commercial and institutional uses catering to the immediate needs of the neighborhood are acceptable and reflect the traditional role such activity has played in the history of the City.”



Staff finds the petition is in conformity with the SLUP’s NPA which encourages existing and infill corner commercial uses that are sensitive to the character of existing residences, and recommends **approving the petition to change the zoning to the “F” Neighborhood Commercial District.**

2.1 Public Input

The Housing, Urban Development and Zoning (HUDZ) Committee of the Board of Aldermen will conduct a public hearing as part of the Board of Aldermen legislative process.

2.2 Previous Commission Action

None.

2.3 Requested Action

Section 26.92.010 of the City of St. Louis Revised Code requires that any amendment or change in the boundaries or regulations of the Zoning Code shall be initiated by motion of the Planning Commission or by the filing of a petition with the Zoning Administrator by the owner or owners of the property within the district.

City of St. Louis Ordinance # 64687, Section 8, Sub-Paragraph 1 states that the Planning Commission shall be the official planning agency for the City. It shall also be the zoning commission for the City and perform all functions required by applicable state law to be performed by a municipal zoning commission.

City of St. Louis Ordinance #64687, Section 8, Sub-Paragraph 4 states that the Planning Commission shall recommend changes in the zoning ordinances and zoning district maps to the Board of Aldermen. No ordinance changing the zoning ordinances and zoning district maps shall be adopted over the negative recommendation of the Planning Commission, unless approved by a majority vote of all members of the Board of Aldermen.

Requested Recommendation

That the Planning Commission finds the petition for Zoning District Map amendment for one (1) parcel at 6839 Fyler Ave. in City Block 4669 to be in conformity with the Strategic Land Use Plan's Neighborhood Preservation Area, which encourages existing and infill corner commercial uses that are sensitive to the character of existing residences, and **recommends to approve the petition to change zoning** to the City's Board of Aldermen

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ST. LOUIS PLANNING COMMISSION AS FOLLOWS:

1. The Petition for the Amendment of the Zoning District Map (to 'F' Neighborhood Commercial District) for one parcel (known as 6839 Fyler Avenue) in City Block 4669 is in conformity with the City's Strategic Land Use Plan's Neighborhood Preservation Area.
2. The Petition for the Amendment of the Zoning District Map (to 'F' Neighborhood Commercial District) for one parcel (known as 6839 Fyler Avenue) in City Block 4669 is recommended for approval.
3. The Director of the Planning and Urban Design Agency of the City of St. Louis is hereby directed to notify the Board of Aldermen of the City of St. Louis of this recommendation.

EXHIBIT A DISTRICT MAP



Current Zoning District

	A Single-Family Dwelling District		G Local Commercial District
	B Two-Family Dwelling District		H Area Commercial District
	C Multiple-Family Dwelling District		I Central Business District
	D Multiple-Family Dwelling District		J Industrial District
	E Multiple-Family Dwelling District		K Unrestricted District
	F Neighborhood Commercial District		L Jefferson Memorial District

Rezoning Area

Rezoning Petition
from "A" to "F"

PDA-011-16-REZ

CITY OF ST. LOUIS
PLANNING
URBAN DESIGN
AGENCY

EXHIBIT B



PETITION FOR ZONING AMENDMENT (REZONING)

CITY OF ST. LOUIS

Petitioner's Name CORE STATES GROUP
Contact Name (If above is a firm/an organization) PATRICK BENNETT
Address 50 CRESTWOOD EXECUTIVE CENTER #500, ST. LOUIS, MO 63126
Phone 314-843-4320 Fax _____ Email pbennett@core-eng.com

A complete Legal Description of Property to be Rezoned is required, use additional sheets if necessary (you may also attach any plans, conceptual drawings or proposals which you feel may aid in the evaluation of this request). SEE ATTACHED SHEET

Address(es) including street number(s) / name(s) of Property(s) to be Rezoned 6839 FYLER

City Block No. 4669 Parcel No. 430

Requested Zone/FBD Change From A, SINGLE FAMILY To F, NEIGHBORHOOD COMMERCIAL
(list specific zoning district or FBD Zone) (list specific zoning district or FBD Zone)

The following can be listed or mapped on additional sheets:

- Present Use of Property(s) RESIDENCE
- Intended Use of Property(s) CONVENIENCE STORE / FUEL STATION
- Grounds for Petition EXPANSION / RECONSTRUCTION OF EXISTING ADJACENT FACILITY
- Are you the owner of the property described? No
- If not, what is your legal interest in the property? CONSULTANT FOR PROPOSED DEVELOPER / PURCHASER
- The owner(s)-of-record of the petitioned property according to the City of St. Louis Assessor's Records is(are) known as RICHARD AND DEBORAH SCHAEFER

If you are NOT the owner(s)- of- record of the petitioned property you are REQUIRED to submit the Affidavit on Page 4, for each of the owner(s)- of- record of the petitioned property and it MUST be notarized.

[Signature]

Signature(s) of Petitioner(s)

1/12/15

Date Filed

Received and deemed complete by Zoning on 1/13/16.

City of St. Louis, Office of the Zoning Administrator
Room 400, City Hall, St. Louis, MO 63103

CITY OF ST. LOUIS

AFFIDAVIT

I/We Deborah
RICHARD AND DEBRA SCHAEFER own the property(ies)

PRINT NAME(S)

commonly known-as 6839 FYLER in City Block

PRINT ADDRESS(ES)

City Block Number(s) 4669 and Parcel Number(s) 430

I/We acknowledge and consent to a rezoning study to be initiated on above properties.

Richard Schaefer 1-9-16
SIGNATURE DATE

Debra A. Schaefer 1-9-16
SIGNATURE DATE

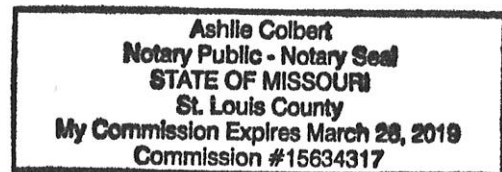
This affidavit must be signed by all individual property owners or legal representative.
Signature(s) must be notarized.

State of Missouri
County of St. Louis

Subscribed and sworn to before me

This 9th day of January in the year 2016

Ashlie Colbert
Notary Public



City of St. Louis, Office of the Zoning Administrator
Room 400, City Hall, St. Louis, MO 63103

January 12, 2016

Mary Hart Burton
City of St. Louis
City Hall – Room 400
Tucker & Market Street
St. Louis, MO 63103

RE: Rezoning Application @ 6839 Fyler

Mary,

See below for the legal description of this property for your use.

6839 Fyler Avenue, St. Louis, MO 63139

The west 50 feet 9 inches of Lot 30 of Bradley's Subdivision and in Block 4669 of the City of St. Louis, fronting 50 feet 9 inches on the North Line of Fyler Avenue, by a depth Northwardly of 207 feet to the dividing line of said block.

The warranty deed is recorded in Book 0795, Page 1772.

Please let me know if you need any additional information. Thanks.

Sincerely,



Patrick T. Bennett, P.E.
Branch Manager

EXHIBIT C



RICHARD GRAY
DIRECTOR OF PUBLIC SAFETY



FRANK OSWALD
DEPUTY BUILDING COMMISSIONER

TO: City of St. Louis Planning Commission

FROM: Mary Hart Burton, Zoning Administrator

SUBJECT: Rezoning – Lindenwood Park Neighborhood - City Block 4669 (6839 Fyler Avenue)

DATE: February 3, 2016

INITIATION:

Mr. Patrick Bennett of Core States Group, representing the owner under contract, Circle K Stores, Inc. Midwest Division, for the above referenced parcel, petitioned the Zoning Administrator as provided for in Chapter 26.92 of the 1994 Revised Code of the City of St. Louis, to change the Zoning District Map of the City in the Lindenwood Park Neighborhood. Specifically, the petition focused on one parcel in City Block 4669, commonly known as 6839 Fyler Avenue, that is currently zoned "A" Single-Family Dwelling District. The parcel is located in the 23rd Ward of the City of St. Louis and surrounded by predominately residential and corner commercial uses.

PURPOSE:

The request is based on the Petitioner's future plans to consolidate this parcel with the parcel at 3282 Jamieson Avenue, in the same city block, which is also owned by Circle K Stores Inc. Midwest Division. The Petitioner further proposes to demolish the existing convenience store and motor fuel pumping station at this location in order to construct a new convenience store and motor fuel pumping station. The adjacent parcel at 3282 Jamieson is zoned "F" Neighborhood Commercial District. Consolidation of both parcels as currently zoned would result in dual zoning that would require the proposed project to meet the requirements of the more restrictive zoning, "A" Single-Family Dwelling District, which would not allow for the construction of the proposed project. A rezoning of the aforementioned parcel to the "F" Neighborhood Commercial District, would allow for the proposed project to be in compliance with the Zoning Code.

The purpose of the change in the zoning of the subject parcel is to bring the property into conformity with its intended future use. Given that the subject property will provide for improved commercial opportunities in the immediate area; that by rezoning subject property would bring it into conformity with the Zoning Code; and that good zoning practices work toward the elimination of improper zoning designations, there is a basis established that a less restrictive zoning classification would be

appropriate and would enhance the general welfare of the City.

RECOMMENDATION:

It is the recommendation of the Zoning Administrator that the subject parcel in City Block 4669 be rezoned from the current classification of “A” Single-Family Dwelling District to the “F” Neighborhood Commercial District.

cc: Alderman Joseph Vaccaro, 23rd Ward
Frank Oswald, Building Commissioner

Building Safety is NO Accident

EXHIBIT D



Joe Vaccaro
ALDERMAN
23rd Ward

BOARD OF ALDERMEN
CITY OF SAINT LOUIS
MISSOURI

COMMITTEES
Convention, Tourism, Arts & Humanities
Parks & Environmental Matters
Transportation & Commerce
Ways & Means
Legislation

January 12, 2016

Mary Hart Burton
Zoning Commissioner
Room 400, City Hall
St. Louis, MO 63103

Re: 6839 Fyler; 3282 Jamieson

Dear Ms. Burton,

I support the rezoning of 6839 Fyler from the "A" Single-Family Dwelling District to the "F" Neighborhood Commercial District, so that it may be consolidated with the parcel know as 3282 Jamieson, which is already zoned "F" Neighborhood Commercial, for the purposes of constructing a new motor fuel pumping station and convenience store.

Please call me with any questions or concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joe Vaccaro".

Joe Vaccaro
Alderman, 23rd Ward

JV/tc



Exhibit E

Photos of Rezoning Area on CB 4669
6839 Fyler Ave. (just east of Jamieson Ave.)



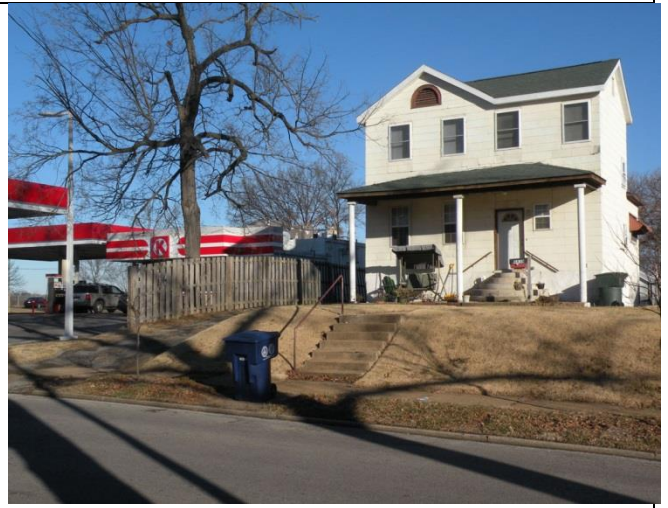
1) C-Store/Gas Station (center) REZ Area (right)
(NE corner of Jamieson & Fyler Ave.- near I-44)



2) Circle K/Phillips 66 and Rezoning Area (right)
(Rezoning Area is 2-story house behind C-Store)



3) 6839 Fyler Ave. – Rezoning Area (right)
(Gas Station, C-Store & rezoning area house)



3) 6839 Fyler Ave. – Rezoning Area (house)
(C-Store/Gas Station left at 3282 Jamieson)

Exhibit E

Photos of Rezoning Area on CB 4669
Vicinity of 6839 Fyler Ave. – On Jamieson Ave.



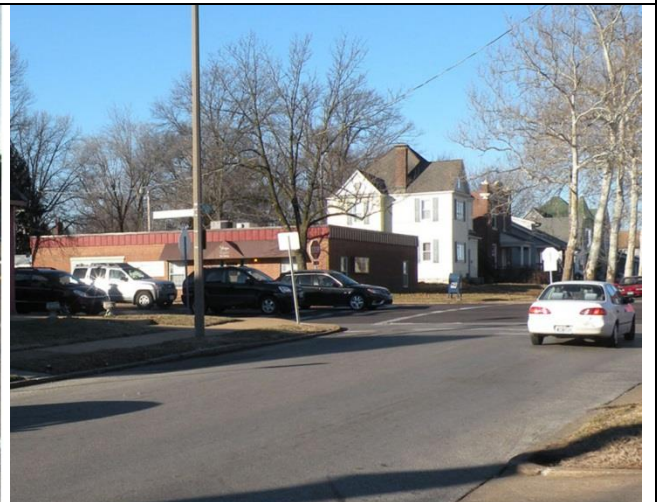
5) 3282 Jamieson (West of Rezoning Area)
(view east from Jamieson – Circle K/Phillips 66 Station)



6) 3262 & 3264 Jamieson (NW of Rezoning Area)
(view east from Jamieson north of Gas Station)



7) 3273-85 Jamieson (West of Gas Station)
(16-family apartment building on NW corner)



8) 3305 Jamieson (SW of Gas Station)
(corner commercial store on SW corner)

Exhibit E

Photos of Rezoning Area on CB 4669
Vicinity of 6839 Fyler Ave. – On Fyler Ave.



9) Aerial of Vicinity of 6839 Fyler (Rezoning Area)
(houses NW, north, east, south & SW of REZ Area)



10) 6846 Fyler (Southwest of Rezoning Area)
(corner commercial across from Gas Station)



11) 6828, 6832 & 6836-38 Fyler (South of REZ Area)
(houses across Fyler from the rezoning area)



12) 6821 & 6827 Fyler (East of Rezoning Area)
(REZ Area – far left and houses – center & right)